



General Assembly

February Session, 2002

Raised Bill No. 468

LCO No. 1940

Referred to Committee on Public Health

Introduced by:
(PH)

***AN ACT CONCERNING WHISTLE BLOWER PROTECTION FOR
PATIENTS IN AND EMPLOYEES OF HEALTH CARE FACILITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2002*) (a) As used in this
2 section: (1) "Discriminate" and "discriminatory treatment" with regard
3 to an employee of a health care facility includes discharge, demotion,
4 suspension, or any other changes in terms or conditions of
5 employment, or the threat of any such actions; and (2) "health care
6 facility" has the same meaning as in section 19a-630 of the general
7 statutes.

8 (b) No health care facility shall discriminate or retaliate in any
9 manner against a patient or employee of such facility because the
10 patient or employee, or any other person, submitted a complaint or
11 initiated or cooperated in an investigation by or proceeding before a
12 governmental entity relating to the care or services by, or the
13 conditions in, such facility.

14 (c) Any discriminatory treatment by a health care facility of a
15 patient in such facility who submitted a complaint, or on whose behalf

16 a complaint was submitted, to a governmental entity or to the
17 administrator of the facility shall create a rebuttable presumption that
18 the discriminatory treatment was taken by the facility in violation of
19 subsection (b) of this section if such treatment occurred no later than
20 one hundred eighty days following the receipt of such complaint by
21 the government entity or the administrator.

22 (d) Any discriminatory treatment by a health care facility of an
23 employee of such facility who (1) submitted a grievance or submitted a
24 complaint to a governmental entity or to the administrator of the
25 facility against such facility shall create a rebuttable presumption that
26 the discriminatory treatment was taken by the facility in violation of
27 subsection (b) of this section if such treatment occurred no later than
28 one hundred twenty days following such submission of the grievance
29 or such submission of the complaint, or (2) initiated, participated in or
30 cooperated in an investigation or proceeding by a governmental entity
31 with regard to such facility, as provided in subsection (b) of this
32 section, if the facility had knowledge of such initiation, participation or
33 cooperation, no later than one hundred twenty days following the date
34 on which the facility obtained such knowledge.

35 (e) A health care facility that violates subsection (b) of this section
36 shall reinstate the employee and reimburse the employee for lost
37 wages, lost work benefits, and any legal costs incurred by the
38 employee in pursuing the employee's rights under this section.

39 (f) The provisions and remedies under this section are not exclusive
40 and are in addition to any other provisions and remedies in any
41 section of the general statutes or which are available under common
42 law.

This act shall take effect as follows:	
Section 1	October 1, 2002

Statement of Purpose:

To further the public policy of the state of encouraging patients and health care workers to notify government entities of suspected unsafe patient care and conditions so as to protect patients and assist governmental entities charged with ensuring that health care in this state is safe.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]